

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

TIMOTHY J. O'CONNOR

O'Connor & Auersch
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER

Attorney General of Indiana

MICHAEL GENE WORDEN

Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

JOSEPH PRYOR,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

)
)
)
)
)
)
)
)
)
)
)
)

No. 49A02-0709-CR-804

APPEAL FROM THE MARION SUPERIOR COURT

The Honorable Mark Stoner, Judge
Cause No. 49G06-0510-MR-185834

April 18, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Pursuant to a plea agreement, Joseph Pryor pled guilty to murder and robbery, as a Class B felony. He appeals his consecutive sentences of sixty-five years and twenty years for a total of eighty-five years contending that they are inappropriate under Indiana Appellate Rule 7(B).

We affirm.

Under Article VII, Section 6 of the Indiana Constitution, we have the constitutional authority to review and revise sentences. However, we will not revise the sentence imposed unless it is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B).

With regard to the nature of the offense, the advisory sentence is the starting point in our consideration of an appropriate sentence for the crime committed. *Childress v. State*, 848 N.E.2d 1073, 1081 (Ind. 2006). Ind.Code § 35-50-2-3 provides, in pertinent part: “A person who commits murder shall be imprisoned for a fixed term of between forty-five (45) and sixty-five (65) years, with the advisory sentence being fifty-five (55) years.” In addition, Pryor pled guilty to robbery as a Class B felony. Ind.Code § 35-50-2-5 provides, in pertinent part: “A person who commits a Class B felony shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years.”

As to the nature of Pryor’s crimes, we find that the murder and robbery were particularly vicious. Pryor stabbed his victim fourteen times with a knife until the knife broke off in the victim’s skull. When the victim was lying on the floor, Pryor took a wooden coat hanger and thrust it into the dying victim’s throat. He then stole the victim’s property and pawned it.

As to Pryor's character, we find that he has an extensive criminal history that spans twelve of his twenty-seven years as a juvenile and an adult, was on probation at the time of the commission of the murder and the robbery, and has an extensive history of substance abuse. His juvenile adjudications include battery, criminal trespass, glue sniffing, burglary, and theft. His adult convictions include attempted residential entry and receiving stolen property.

We find that the sentence is not inappropriate.

Affirmed.

FRIEDLANDER, J., and BAILEY, J., concur.